

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SECURITIES AND EXCHANGE
COMMISSION

v.

WILLIAM E. MAPP, III

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Civil Action No. 4:16-CV-00246
Judge Mazzant

MEMORANDUM OPINION AND ORDER

Pending before the Court are Defendant William E. Mapp, III's Motion to Strike Plaintiff's Summary Judgment Evidence (Dkt. #121).

In separate Memorandum Opinion and Order issued contemporaneously with this Order, the Court found that Plaintiff's motion for summary judgment should be denied as to all claims, except as to the issue of integration, because Plaintiff failed to meet its burden to show that there are no issues of material fact and that it was entitled to judgment as a matter of law. In light of this holding, the Court finds that these this motion to strike Plaintiff's summary judgment evidence is moot in light of the Court's Order.¹

CONCLUSION

Based on the foregoing, the Court finds Defendant's Motion to Strike Plaintiff's Summary Judgment Evidence (Dkt. #121) is **DENIED** as moot.

IT IS SO ORDERED.

¹ The Court reviewed Defendant's motion to strike. However, striking this evidence would not change the result of the Court's order on the motion for summary judgment, as there are still existing issues of material fact that must be resolved by a jury. As such, the motion is moot.

SIGNED this 8th day of November, 2017.

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive style with a horizontal line underneath the name.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE